

11 MAG 1701

Approved:



STEVE C. LEE
Assistant United States Attorney

Before: DEBRA FREEMAN
United States Magistrate Judge
Southern District of New York

- - - - - X
UNITED STATES OF AMERICA :
: SEALED COMPLAINT
:
-v.- : Violations of
: 18 U.S.C. §§ 371, 666,
TRIFON RADEF, : and 2
NICANOR FERNANDEZ, :
MICHAEL CUNNINGHAM, Sr., : COUNTY OF OFFENSE:
JAMES COPPOLA, and : BRONX
FRANK CHAMBERS, :
:
Defendants. :
- - - - - X
SOUTHERN DISTRICT OF NEW YORK, ss.:

RONALD VANCE, being duly sworn, deposes and says that he is a Senior Investigator with the Special Commissioner of Investigation for the New York City School District, and charges as follows:

COUNT ONE

1. From at least in or about 2000, up through and including in or about April 2010, in the Southern District of New York and elsewhere, TRIFON RADEF, NICANOR FERNANDEZ, MICHAEL CUNNINGHAM, Sr., JAMES COPPOLA, and FRANK CHAMBERS, the defendants, and others, known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, to violate Title 18, United States Code, Section 666.

2. It was a part and object of the conspiracy that TRIFON RADEF, NICANOR FERNANDEZ, MICHAEL CUNNINGHAM, Sr., JAMES COPPOLA, and FRANK CHAMBERS, the defendants, and others known and unknown, unlawfully, willfully, and knowingly would and did embezzle, steal, obtain by fraud, and misapply property of the DOE, which property was valued at \$5,000 or more, and which agency received benefits in excess of \$10,000 under a Federal program involving a grant, contract, subsidy, loan, guarantee,

insurance, and other form of Federal assistance, in violation of Title 18, United States Code, Section 666.

OVERT ACTS

3. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts were committed in the Southern District of New York and elsewhere:

a. In or about 2008, TRIFON RADEF, the defendant, authorized and signed payroll checks from the custodial payroll account of Roosevelt High School, located in the Bronx, New York, that were made out to JAMES COPPOLA and FRANK CHAMBERS, the defendants.

b. In or about 2008, NICANOR FERNANDEZ, the defendant, authorized and signed payroll checks from the custodial payroll account of Truman High School, located in the Bronx, New York, that were made out to MICHAEL CUNNINGHAM, Jr., the defendant, and COPPOLA.

c. In or about 2008, COPPOLA and CHAMBERS endorsed payroll checks from Roosevelt High School, which were ultimately cashed.

d. In or about 2008, COPPOLA and CUNNINGHAM endorsed payroll checks from Truman High School, which were ultimately cashed.

(Title 18, United States Code, Section 371.)

COUNT TWO

4. From at least in or about 2000, up through and including in or about April 2010, in the Southern District of New York and elsewhere, TRIFON RADEF, NICANOR FERNANDEZ, and MICHAEL CUNNINGHAM, Sr., the defendants, and others, known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, to violate Title 18, United States Code, Section 666.

5. It was a part and object of the conspiracy that TRIFON RADEF, NICANOR FERNANDEZ, and MICHAEL CUNNINGHAM, Sr., the defendants, and others known and unknown, unlawfully, willfully, and knowingly would and did embezzle, steal, obtain by fraud, and misapply property of the DOE, which property was valued at \$5,000 or more, and which agency received benefits in excess of \$10,000

under a Federal program involving a grant, contract, subsidy, loan, guarantee, insurance, and other form of Federal assistance, in violation of Title 18, United States Code, Section 666.

OVERT ACTS

6. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts were committed in the Southern District of New York and elsewhere:

a. In or about 2005 or 2006, TRIFON RADEF, the defendant, asked a DOE employee, who is now a confidential source ("CS-3"), to do landscaping work at residential properties owned by RADEF, located in Queens, New York, in return for payment from DOE custodial accounts.

b. In or about 2009, NICANOR FERNANDEZ, the defendant, authorized and signed payroll checks from the custodial payroll account of Truman High School, in the Bronx, New York, that were made out to CS-3, who had never worked at Truman High School in any capacity.

c. In or about 2009, MICHAEL CUNNINGHAM, Sr., the defendant, instructed CS-3 to endorse and cash two checks from the custodial payroll account of Truman High School.

(Title 18, United States Code, Section 371.)

COUNT THREE

7. From in or about 2000, up to and including in or about April 2010, in the Southern District of New York, TRIFON RADEF, NICANOR FERNANDEZ, MICHAEL CUNNINGHAM, Sr., JAMES COPPOLA, and FRANK CHAMBERS, the defendants, being agents of the New York City Department of Education ("DOE"), unlawfully, willfully, and knowingly, did embezzle, steal, obtain by fraud, and misapply property of the DOE, which property was valued at \$5,000 or more, and which agency received benefits in excess of \$10,000 under a Federal program involving a grant, contract, subsidy, loan, guarantee, insurance, and other form of Federal assistance, to wit, RADEF, FERNANDEZ, CUNNINGHAM, COPPOLA, and CHAMBERS participated in a scheme to defraud the DOE of thousands of dollars in payment for work that was not actually performed.

(Title 18, United States Code, Sections 666 and 2.)

COUNT FOUR

8. From in or about 2000, up to and including in or about April 2010, in the Southern District of New York, TRIFON RADEF, NICANOR FERNANDEZ, MICHAEL CUNNINGHAM, Sr., the defendants, being agents of the New York City Department of Education ("DOE"), unlawfully, willfully, and knowingly, did embezzle, steal, obtain by fraud, and misapply property of the DOE, which property was valued at \$5,000 or more, and which agency received benefits in excess of \$10,000 under a Federal program involving a grant, contract, subsidy, loan, guarantee, insurance, and other form of Federal assistance, to wit, RADEF, FERNANDEZ, and CUNNINGHAM participated in a scheme to defraud the DOE of thousands of dollars by using funds in DOE custodial accounts to pay DOE employees for doing construction, maintenance, and other work at residential properties owned by RADEF.

(Title 18, United States Code, Sections 666 and 2.)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

9. I am a Senior Investigator with the Special Commissioner of Investigation for the New York City School District ("SCI") and have participated in the investigation of this case. This affidavit is based upon my personal knowledge, my review of documents and other evidence, and my conversations with other law enforcement officers and other people. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all of the facts that I have learned during the course of my investigation. Where the contents of documents and the actions and statements of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

Two Schemes to Defraud the DOE

10. The United States Department of Education distributes more than \$100 billion annually to school districts across the United States for elementary and secondary school education programs. The DOE typically receives funds from the United States Department of Education annually. For instance, in 2010, the United States Department of Education distributed approximately \$2.5 billion to the DOE through grants, subsidies, and other forms of federal assistance.

11. Throughout the course of the investigation, I learned that TRIFON RADEF and NICANOR FERNANDEZ, the defendants, and others, were involved in two separate but related schemes to defraud the DOE. This investigation was based, in part, on information provided to the SCI by multiple confidential sources ("CS-1," "CS-2," and "CS-3," respectively). CS-1, CS-2, and CS-3 were all employed by the DOE and were knowledgeable about one or both of these schemes¹. The two schemes were as follows:

a. In the first scheme, various employees of the DOE who were working in the New York City public schools, including RADEF, were fraudulently paid for work they did not actually complete. Some of these employees were paid from custodial payroll accounts of New York City public schools at which they did not actually work.

b. In the second scheme, various employees of the DOE who were working in the New York City public schools performed construction, painting, and maintenance work at one or more of nine different residential properties owned by RADEF, but were fraudulently paid for this work from DOE funds, specifically from custodial payroll accounts for various New York City public schools.

12. Throughout the course of the investigation, I learned that the following DOE employees were involved in one or both of the above-referenced schemes to defraud the DOE:

a. TRIFON RADEF, the defendant, was the Custodian at Roosevelt High School ("Roosevelt"), located in the Bronx, New York, from in or about 2005 through in or about 2011. In his capacity as Custodian at Roosevelt, RADEF was responsible for overseeing various custodial employees, including cleaners, custodial firemen, and others, and hiring, assigning, and providing payment to these custodial employees. RADEF was therefore responsible for reviewing work hours, authorizing salary payments, and signing paychecks for all custodial

¹ In the past, CS-1, CS-2, and CS-3 provided me and other law enforcement agents with detailed and credible information about these fraudulent schemes, which occurred from at least in or about 2000 through in or about April 2010. Moreover, the information provided by CS-1, CS-2, and CS-3 has proven accurate and reliable, and in many instances has been corroborated through the review of DOE documents and reports, physical surveillance, and review of other records.

employees at Roosevelt. RADEF was also the stationary engineer² at Truman High School ("Truman"), located in the Bronx, New York, from October 2002 through in or about 2011. Additionally, from in or about January 1996 through in or about December 2005, RADEF was the Custodian of Public School 158 ("P.S. 158"), located in Queens, New York.

b. NICANOR FERNANDEZ, the defendant, was the Custodian at Truman from in or about September 2002 through in or about December 2010. In his capacity as Custodian, FERNANDEZ was responsible for overseeing various custodial employees, including cleaners, custodial firemen, and others, and hiring, assigning, and providing payment to these custodial employees. FERNANDEZ was therefore responsible for reviewing work hours, authorizing salary payments, and signing paychecks for all custodial employees at Truman. In or about October 2002, FERNANDEZ hired RADEF as a stationary engineer at Truman. Previously, beginning in or about 1999, FERNANDEZ supervised RADEF at various other New York City public schools, including Edison High School, in Queens, New York.

c. MICHAEL CUNNINGHAM, Sr., the defendant, was employed as a custodial fireman³ at P.S. 158, from in or about 1990, through in or about 2011.

d. JAMES COPPOLA, the defendant, was employed as a handy man at Intermediate School 25 ("I.S. 25"), located in Queens, New York, from in or about 2005, through in or about 2011.

e. FRANK CHAMBERS, the defendant, was employed as a senior lunch helper at P.S. 158, from in or about 1996, through in or about 2011.

² For DOE purposes, a "stationary engineer" is an employee of the Custodian, who along with the "custodian engineer," is primarily responsible for the operation and maintenance of the boiler, heating system, and ventilation system at a DOE facility.

³ For DOE purposes, a "custodial fireman" is an employee of the "custodian engineer" who holds certifications from the fire department of NYC in one or more of the following: fire alarm maintenance and operation, boiler operation and maintenance, air compressor operation and maintenance, sprinkler operation and maintenance, and high-rise fire safety.

13. Throughout the course of the investigation, I learned that the total amount of loss to the DOE from these two fraudulent schemes was in excess of \$500,000.

Fraudulent Payments From DOE Custodial Accounts To RADEF

14. Throughout the course of the investigation, SCI investigators learned that TRIFON RADEF, the defendant, was paid from custodial payroll accounts for hours that he did not actually work. Specifically, based upon my review of DOE records and conversations with SCI investigators concerning surveillance of RADEF and others, I learned the following:

a. DOE records indicate that as Custodian at Roosevelt, RADEF's schedule was 8 a.m. to 4 p.m., on Mondays through Fridays. RADEF was also regularly scheduled to work as a stationary engineer at Truman from 5 p.m. to 11 p.m., on Mondays through Fridays. At all times he was employed by the DOE, including March and April 2010, RADEF was required to be present at either Roosevelt or Truman for the entirety of any shift for which he was paid for working at either of these schools.

b. On or about March 16, 2010, SCI investigators observed RADEF leave Roosevelt in a vehicle registered in RADEF's name (the "Vehicle")⁴. At approximately 4 p.m., RADEF arrived at Truman, NICANOR FERNANDEZ, the defendant, was observed exiting the Vehicle, and RADEF then proceeded from Truman to his residence in Queens, New York (the "Residence"), where RADEF remained for the evening. DOE records indicate that RADEF was paid for working at Truman from 4:55 p.m. until 11 p.m. on March 16, 2010. According to these and other DOE records, FERNANDEZ signed and authorized the check issued to RADEF as payment for RADEF's work on March 16, 2010.

c. On or about March 23, 2010, SCI investigators observed RADEF leave the Truman parking lot in the Vehicle at approximately 5:10 p.m. and arrive at a restaurant located in Queens, New York. RADEF was subsequently observed exiting the restaurant at approximately 9:07 p.m. and driving to the

⁴ From in or about February 16, 2010 through in or about June 22, 2010, SCI investigators conducted multiple surveillances of the Vehicle at Truman, Roosevelt, and other locations. During those surveillances, only RADEF was observed driving the Vehicle. Moreover, SCI investigators are aware of another vehicle registered in the name of RADEF's wife, which she has been observed driving, and which has been observed parked in the driveway of RADEF's residence in Queens, New York.

Residence. DOE records indicate that RADEF was paid for working at Truman from 4:57 p.m. until 11:01 p.m., on March 23, 2010. According to these and other DOE records, FERNANDEZ signed and authorized the check issued to RADEF as payment for RADEF's work on March 23, 2010.

d. On or about March 26, 2010, SCI investigators observed RADEF entering a restaurant in Queens, New York, at approximately 5:07 p.m. At approximately 7:50 p.m., RADEF exited the restaurant and left the location. Subsequently, SCI investigators confirmed that RADEF had not returned to Truman. DOE records indicate that RADEF was paid for working at Truman from 4:55 p.m. to 11 p.m. on March 26, 2010. According to these and other DOE records, FERNANDEZ signed and authorized the check issued to RADEF as payment for RADEF's work on March 26, 2010.

e. On or about April 8, 2010, SCI investigators visited Truman and confirmed that RADEF was not present for his evening work hours. SCI investigators subsequently conducted surveillance at the Residence and observed RADEF at the Residence at approximately 6:30 p.m. DOE records indicate that RADEF was paid for working at Truman from 4:49 p.m. until 11:01 p.m. on April 8, 2010. According to these and other DOE records, FERNANDEZ signed and authorized the check issued to RADEF that was payment for RADEF's work on April 8, 2010.

f. On or about April 23, 2010, at approximately 5:35 p.m., SCI investigators observed RADEF arrive at a social club (the "social club") located in Queens, New York. At approximately 5:35 p.m., FERNANDEZ was observed entering the social club. At approximately 8:26 p.m., RADEF and FERNANDEZ were observed leaving the social club. According to DOE records, RADEF was paid for working from 5 p.m. to 11 p.m. on April 23, 2010. According to these and other DOE records, FERNANDEZ signed and authorized the check issued to RADEF that was payment for RADEF's work on April 23, 2010.

15. SCI investigators also reviewed E-Z Pass records for the account assigned to the Vehicle for the period between on or about December 14, 2007, through on or about January 19, 2010. These records indicated that on more than 550 days during that time period, the Vehicle was recorded as crossing either the Bronx Whitestone Bridge or the Throgs Neck Bridge, from the Bronx, New York, to Queens, New York, where the Residence is located, during the hours when TRIFON RADEF, the defendant, was paid for working at Truman. Over each of these 550 days, by calculating the number of hours between when E-Z Pass records register the Vehicle as passing a toll point from the Bronx, New

York, to Queens, New York, and when RADEF's paid shift at Truman was scheduled to have ended, RADEF was paid for more than 3,000 hours of work at Truman when he was not there.

Fraudulent Payments From DOE Custodial Accounts To
Cunningham, Coppola, and Chambers

16. Throughout the course of the investigation, I learned that various other custodial employees were hired by TRIFON RADEF, the defendant, to jobs at both Roosevelt and Truman in which they were paid for work they did not actually complete. I also learned that payroll checks for these employees were approved and signed by RADEF and NICANOR FERNANDEZ, the defendant, from Roosevelt and Truman, respectively. These custodial employees included MICHAEL CUNNINGHAM, Sr., JAMES COPPOLA, and FRANK CHAMBERS, the defendants. Upon review of DOE payroll records and other documents, I learned the following:

a. Prior to being removed from his position in 2011, CUNNINGHAM was employed as a custodial fireman at P.S. 158. From in or about September 2007 to in or about October 2010, CUNNINGHAM was on the payroll of Truman, purportedly employed as a custodial fireman. During this time period, payroll records indicate that CUNNINGHAM was issued approximately 78 checks from the Truman custodial payroll account totaling approximately \$110,662.70. All of these checks from the Truman custodial account were authorized and signed by FERNANDEZ and endorsed by CUNNINGHAM.

b. Prior to being removed from his position in 2011, COPPOLA was employed as a handyman at I.S. 25. From in or about January 2008 to in or about September 2010, COPPOLA was on the payroll of Truman, and from in or about September 2007 through in or about October 2008, COPPOLA was on the payroll of Roosevelt. For both of these schools during these respective time periods, COPPOLA was purportedly employed as a custodial fireman. During these time periods, payroll records indicate that COPPOLA was issued approximately 58 checks from the Truman custodial payroll account totaling approximately \$99,032, and 14 checks from the Roosevelt custodial payroll account totaling approximately \$21,825. All of the checks from the Truman custodial account were authorized and signed by FERNANDEZ and all of the checks from the Roosevelt custodial account were authorized and signed by RADEF. Additionally, all of these checks were endorsed by COPPOLA.

c. Prior to being removed from his position in 2011, CHAMBERS was employed as a senior lunch helper at P.S. 158. From in or about September 2007 through in or about April 2010, CHAMBERS was on the payroll of Roosevelt, purportedly employed as a part-time custodial cleaner. During this time period, payroll records indicate that CHAMBERS was issued approximately 74 payroll checks from the Roosevelt custodial account totaling approximately \$137,879. All of these checks from the Roosevelt custodial account were authorized and signed by RADEF and endorsed by CHAMBERS.

17. Throughout the course of the investigation, I interviewed three long-time employees of Truman ("Employee-1," "Employee-2," and "Employee-3," respectively). In particular, Employee-1 has worked at Truman for approximately ten years, Employee-2 has worked at Truman for approximately ten years, and Employee-3 has worked at Truman for approximately seventeen years. Based upon these interviews and interviews with CS-1 and CS-2, I learned the following:

a. Employee-1 works at Truman as a custodial secretary and is familiar with the custodial staff at Truman. Employee-1 generally worked day shifts at Truman, approximately from 8 a.m. to 4 p.m. I showed Employee-1 photographs of JAMES COPPOLA and MICHAEL CUNNINGHAM, Sr., the defendants. Employee-1 indicated that s/he did not recognize either COPPOLA or CUNNINGHAM and had not seen either of them working at Truman at any time.

b. Employee-2 works at Truman as a custodial night foreman and is familiar with the custodial staff at Truman. Employee-2 generally worked a daily night shift at Truman, approximately from 4 p.m. to 11 p.m., but also worked overtime hours or hours covering for other employees during day shifts. Employee-2 stated that TRIFON RADEF, the defendant, managed the custodial staff payroll at Truman and often distributed paychecks to custodial staff. Employee-2 also indicated that NICANOR FERNANDEZ, the defendant, was responsible for authorizing and signing each of the payroll checks for custodial staff at Truman. Employee-2 was shown photographs of COPPOLA and CUNNINGHAM and Employee-2 indicated that COPPOLA had never worked at Truman and that CUNNINGHAM had only worked at Truman as a temporary worker painting stairwells for a summer in approximately 2008, and had not worked at Truman since that time.

c. Employee-3 works at Truman as an assistant night foreman and is familiar with the custodial staff at Truman. Employee-3 generally worked a daily night shift at Truman, but

also worked overtime hours or hours covering for other employees during day shifts. Employee-3 stated that RADEF was responsible for the Truman custodial payroll and often distributed pay checks to the custodial staff. Employee-3 was shown photographs of COPPOLA and CUNNINGHAM. Employee-3 stated that he had never seen COPPOLA at Truman. As for CUNNINGHAM, Employee-3 indicated that he may have been an "outside painter" temporarily hired during a summer, but that CUNNINGHAM had never been a regular custodial employee at Truman.

d. CS-1 was also shown photographs of COPPOLA and CUNNINGHAM. CS-1 has been employed within the New York City public schools for more than 20 years. CS-1 was a custodial employee at Roosevelt from in or about 2005 through in or about 2010, and was supervised by RADEF at multiple schools from in or about 2000 through in or about 2010. Specifically, CS-1 indicated that COPPOLA had not worked at Roosevelt during the period CS-1 was employed there and that CUNNINGHAM did not work regular hours at Roosevelt, although he had been a part-time painter at one time. CS-1 also indicated that FRANK CHAMBERS, the defendant, was not a regular full-time employee at Roosevelt and that CHAMBERS only worked during summers and school vacations. However, a review of DOE records showed that CHAMBERS was fraudulently paid for work during days when school was in session from in or about September 2007 through in or about September 2010.

e. CS-2 worked at Roosevelt as a custodial cleaner from in or about 2007 through in or about 2010. CS-2 was shown photographs of COPPOLA and CUNNINGHAM and did not recognize either COPPOLA or CUNNINGHAM as employees at Roosevelt.

DOE Employees Paid from Custodial Payroll Accounts to Work at Residences Owned by Trifon Radef

18. Based upon my conversations with CS-1 and my review of DOE records, I learned the following:

a. In or about 2000, RADEF asked CS-1 to do various types of construction, painting, and maintenance work at one or more of nine properties located in Queens, New York, that were owned by TRIFON RADEF, the defendant (the "Radef properties"). RADEF also told CS-1 that he would be paid for this work through the custodial payroll account of P.S. 158 and would be paid the approximate hourly rate of a custodial fireman. Shortly after this conversation, CS-1 began doing demolition, sheet rock installation, painting, and other work at the Radef properties.

b. From in or about 2000 through in or about 2009, CS-1 performed construction, painting, and maintenance work at the Radeff properties approximately ninety times. CS-1 was regularly provided with checks from the P.S. 158 custodial payroll account by RADEF, despite the fact that CS-1 had worked at P.S. 158 only occasionally from in or about 2001 through in or about 2002. CS-1 was also provided with checks from the Roosevelt custodial payroll account for work that he did not actually complete. Payroll records from the DOE reveal that during this time period, CS-1 was paid approximately \$15,000 from the P.S. 158 and Roosevelt custodial payroll accounts for work that CS-1 performed on the Radeff properties.

19. Based upon my conversations with CS-3 and my review of DOE records, I learned the following:

a. CS-3 worked as a custodial cleaner and custodial fireman at various New York City schools, including P.S. 158, for approximately 39 years. In or about 1996, CS-3 met TRIFON RADEF, the defendant, in the course of his employment at P.S. 158.

b. In or about 2005 or 2006, RADEF asked CS-3 to do landscaping at the Radeff properties and CS-3 agreed to work for RADEF. Subsequently, from in or about 2005 through in or about 2010, CS-3 did landscaping work at the Radeff properties. CS-3 indicated that RADEF paid him a few hundred dollars in cash approximately once a month in compensation for his work. At various times during this period, RADEF also brought checks for CS-3 to endorse and custodial time cards for CS-3 to sign so that CS-3 could get paid from DOE custodial payroll accounts for working on the Radeff properties.

c. Beginning in or about August 2007, MICHAEL CUNNINGHAM, Sr., the defendant, a custodial fireman at P.S. 158 and a resident of one of RADEF's properties, began regularly bringing CS-3 checks to endorse and custodial time cards to sign, telling CS-3, that, in sum and substance, "the Godfather" [referring to RADEF], had sent him the checks and time cards. CS-3 endorsed the checks, signed the custodial time cards, and returned them to CUNNINGHAM. In return, CS-3 accepted approximately \$200 each time CUNNINGHAM brought the checks and time cards to CS-3.

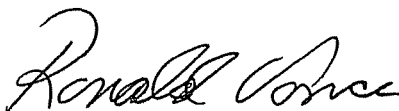
d. In or about 2009, CUNNINGHAM instructed CS-3 to endorse and cash two checks and provide CUNNINGHAM with the cash, except for a portion CS-3 was permitted to retain, so that CUNNINGHAM could provide the remainder of the money to RADEF.

CS-3 did as instructed and noted that these two checks were made out to him and were checks from the Truman custodial payroll account. CS-3 had never previously worked at Truman in any capacity. CS-3 cashed these checks, provided an amount of cash to CUNNINGHAM, and kept the remainder as payment for landscaping work completed at the Radeff properties.

e. In or about August 2007, CUNNINGHAM informed CS-3 that he also provided custodial payroll checks from the Truman and Roosevelt custodial accounts to JAMES COPPOLA, the defendant, for COPPOLA to sign, although COPPOLA did not work at either Truman or Roosevelt. CUNNINGHAM indicated to CS-3 that he did this on behalf of RADEF.

f. According to DOE payroll records, from on or about February 21, 2008 through on or about October 5, 2010, CS-3 was paid approximately \$98,012 from the custodial payroll account at Truman, despite the fact that CS-3 had never actually worked at Truman in any capacity. All of the pay checks provided to CS-3 from the Truman custodial payroll account were approved and signed by NICANOR FERNANDEZ, the defendant. Additionally, from in or about August 2009 through in or about April 2010, CS-3 received approximately \$23,464 in payroll checks from the Roosevelt custodial payroll account, although he was no longer working at Roosevelt during that time period. All of the pay checks provided to CS-3 from Roosevelt were authorized and signed by RADEF.

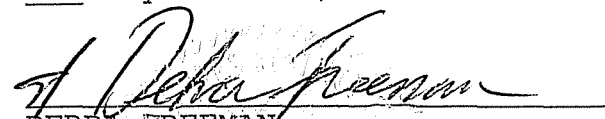
WHEREFORE, deponent prays that warrants be issued for the arrests of TRIFON RADEF, NICANOR FERNANDEZ, MICHAEL CUNNINGHAM, Sr., JAMES COPPOLA, and FRANK CHAMBERS, the defendants, and that they be arrested and imprisoned or bailed, as the case may be.



SENIOR INVESTIGATOR RONALD VANCE
Special Commissioner of Investigation
for the New York City School District

JUN 28 2011

Sworn to before me this
___ day of June, 2011


DEBRA FREEMAN
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK